

ORIGINAL

RECEIVED

AUG 22 2002

GENERAL COUNSEL
OF COPYRIGHT

Before the
COPYRIGHT OFFICE
LIBRARY OF CONGRESS
Washington, D.C.

In the Matter of)
)
)

Adjustment of Rates and Terms)
For the Digital Performance of)
Sound Recordings)
)
)

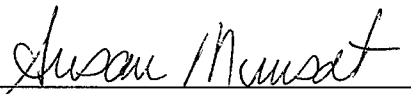
Docket No. 2002-1 CARP DTRA3

PETITION TO CONVENE COPYRIGHT ARBITRATION ROYALTY PANEL

Pursuant to 17 U.S.C §§ 112(e)(6) and (7), 114(f)(2)(C), 801(b)(1), 803(a)(1) and 37 CFR § 251.61(a), the Recording Industry Association of America, Inc. ("RIAA") submits this petition to convene a Copyright Arbitration Royalty Panel ("CARP") to adjust rates and terms for (i) the public performance of sound recordings by means of eligible nonsubscription transmissions and (ii) the making of ephemeral phonorecords of sound recordings in furtherance of the making of permitted public performances of such sound recordings for the 2003-04 license period. Notwithstanding the filing of this petition, RIAA continues to negotiate voluntary license agreements and believes that the CARP may be avoided altogether. RIAA, therefore, is filing this petition only because Sections 112 and 114 require that a petition be filed within the 60-day period following July 1, 2002. *See* 17 U.S.C. §§ 112(e)(6) and (7), 114(f)(2)(C)(ii)(II) and 803(a)(1); 67 Fed. Reg. 4472, 4474 (Jan. 30, 2002) (petitions must be filed within 60 days of July 1, 2002).

The RIAA is the trade group that represents the U.S. recording industry. RIAA's member companies own the copyrights in approximately 90% of all legitimate sound recordings manufactured, distributed and sold in the United States. Therefore, RIAA has a significant interest in the royalty rates that are the subject of this petition. *See* 17 U.S.C. § 803(a)(1). RIAA reserves the right to request that the Librarian adopt terms and rates under Sections 112 and 114 for the 2003-2004 license period without convening a CARP, depending on the outcome of pending negotiations.

Respectfully Submitted,

By 
Cary H. Sherman
Steven M. Marks
Susan C. Munsat
Gary R. Greenstein
RECORDING INDUSTRY
ASSOCIATION OF AMERICA, INC.
1330 Connecticut Avenue, N.W.
Suite 300
Washington, D.C. 20036
(202) 775-0101 (phone)
(202) 293-0447 (fax)

August 22, 2002